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July 28, 2008

## BY ELECTRONIC FILING

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Re: Program Re-Formatting / Downconversion; CS Docket No. 98-120

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. §1.1206, this letter reports on a permitted *ex parte* meeting on Thursday in which David Donovan and Victor Tawil of the Association for Maximum Service Television, Inc. ("MSTV"), Ann Bobeck and Lynn Claudy of the National Association of Broadcasters ("NAB"), F. William LeBeau and Clarence Hau of NBC Universal, Inc. and NBC Telemundo License Co. (collectively, "NBCU"), Susan Fox of The Walt Disney Company, Dianne Smith of Fox Television Stations, Scott Patrick of Dow Lohnes PLLC on behalf of Ion Television, and the undersigned counsel to MSTV (collectively, the "Broadcast Representatives") met with Eloise Gore, Mary Beth Murphy, Lyle Elder, and John Gabrysch of the Commission's Media Bureau.

In the meeting, the Broadcast Representatives demonstrated the harm that can result to the viewer experience — and to the ability of retransmitted broadcast signals to compete with other cable programming — when a cable operator downconverts a broadcast signal to an inappropriate format. Using the attached multimedia slides and a related video presentation<sup>1</sup>, the Broadcast Representatives showed the two most common problems:

- **Inappropriate Letterbox:** When a 4:3 digital program is broadcast in 16:9 format with "pillars" along the side, but is downconverted to a letterbox format, analog cable subscribers will receive an unappealing "postage stamp" picture.
- **Inappropriate Center-Cut:** When a local station airs a program on its digital signal with important content along the edges of the screen (*e.g.*, a theatrical film), but the

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<sup>1</sup> The Broadcast Representatives intend to submit separately a copy of the video file, and have been working to determine the most appropriate means of such delivery. However, to avoid delay, they are submitting this *ex parte* letter and printed attachment today.

program is downconverted to analog in a center-cut format, the viewer will lose access to that content along the edges.

The Broadcast Representatives urged the Commission to issue a decision holding that when a broadcast signal is downconverted at the cable system headend, the local station has the legal right to determine the format (*i.e.*, center-cut or letterbox) in which the downconverted signal is displayed on analog television sets. The Broadcast Representatives explained that this decision would *not* be made on a program-by-program basis; rather, the local station would make a decision applicable to its primary digital channel, and that decision would be subject to change at relatively infrequent intervals. A local station is in the best position to determine which method of downconversion format — center-cut or letterbox — would provide the most appropriate experience for its viewers across the station's broadcast schedule. Furthermore, downconversion by a cable operator to an inappropriate format may constitute a form of material degradation.

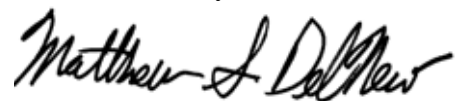
The Media Bureau attendees asked about the practice by which some broadcasters simulcast a standard definition ("SD") version of their primary digital signal. The Broadcast Representatives explained that while this practice may effectively prevent cable systems from materially degrading the downconverted signal, broadcasting of an SD simulcast is not a viable option for many local stations. Notably, broadcast of an SD simulcast limits the amount of bandwidth available to the station for its other over-the-air services. Similarly, the Broadcast Representatives explained that delivery of an SD or analog simulcast to cable systems via fiber is prohibitively expensive in many cases, and spectrum for microwave delivery is limited due to congestion.

In response to a question from the Media Bureau attendees, the Broadcast Representatives discussed uses of active format description ("AFD"). Mr. Donovan explained, however, that regardless of any voluntary use of AFD by broadcasters and cable systems, the immediate priority is for the Commission to affirm the legal right of local television stations to decide the format into which a primary digital channel is downconverted at the headend.

On Friday, Anne Lucey and Bob Seidel of CBS, who were unable to attend Thursday's meeting, spoke to Ms. Gore by telephone concerning the above-described positions.

Please direct any questions concerning this matter to the undersigned.

Sincerely,

A handwritten signature in black ink, reading "Matthew S. DelNero". The signature is written in a cursive, flowing style with a large initial "M".

Matthew S. DelNero

cc: Eloise Gore  
Mary Beth Murphy  
Lyle Elder  
John Gabrysch



# Media Bureau

## Program Reformatting/Down-Conversion

*July 24, 2008*

*Washington, DC*



# Program reformatting

- ✓ Broadcasters should determine how the programming is reformatted by cable systems.
  - Contracted with network and syndicated program suppliers
  - Supply local content
  - Advertising concerns



# Program Reformatting

- ✓ Several possible programming types
  - Up converted programming
  - Native 16 x 9 programming that is downconverted to a 4 X 3 format
    - Centercut “protected” 16 x 9 programming
    - Non-centercut protected 16 x 9 programming
- ✓ Method of downconversion will have different impact on these types of programming

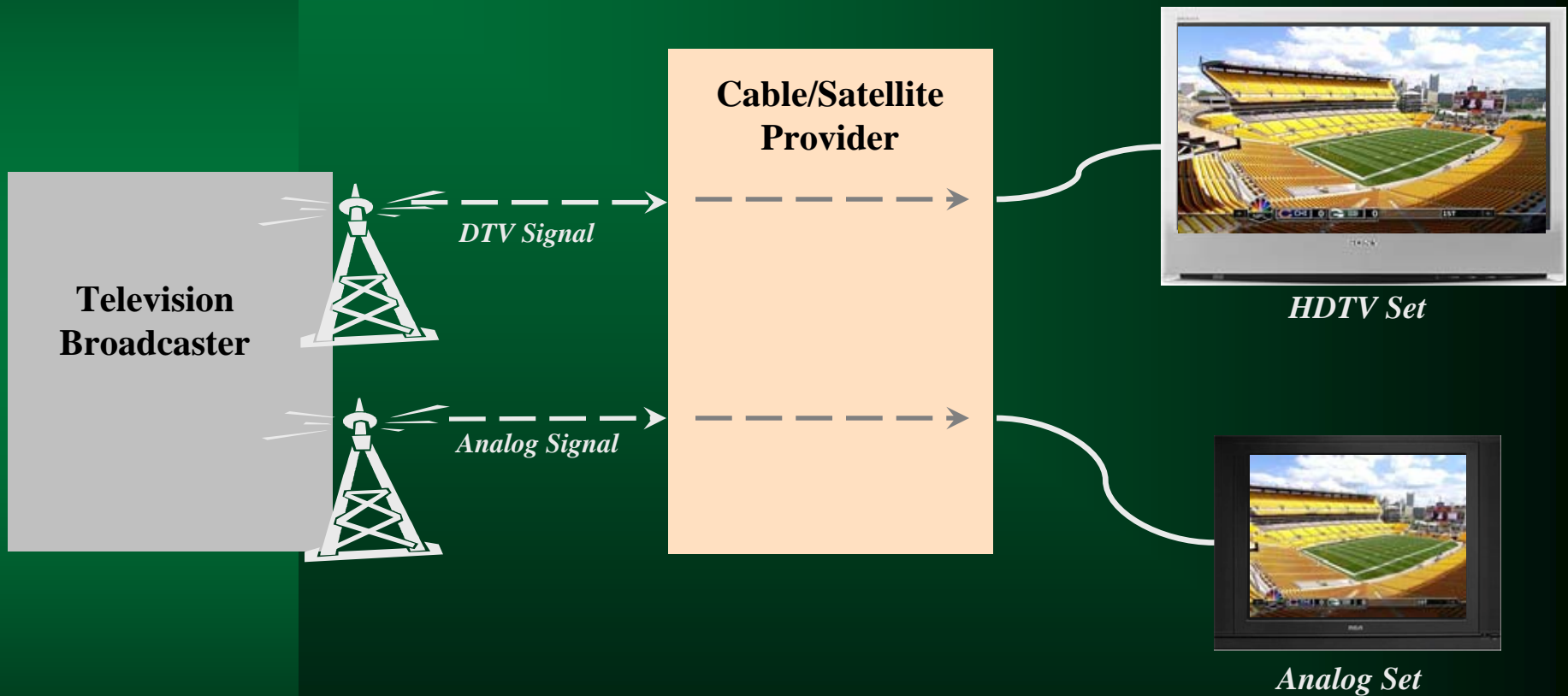


# Program Reformatting

- ✓ Broadcasters may not have a uniform programming approach
  - Varies depending on program supplier/advertiser
  - For some stations a centercut down conversion may be the most appropriate
  - For some stations a letterbox format may be the most appropriate
- ✓ Unilateral reformatting decisions by cable operators may lead to undesirable results



# Broadcast Station Distribution Today

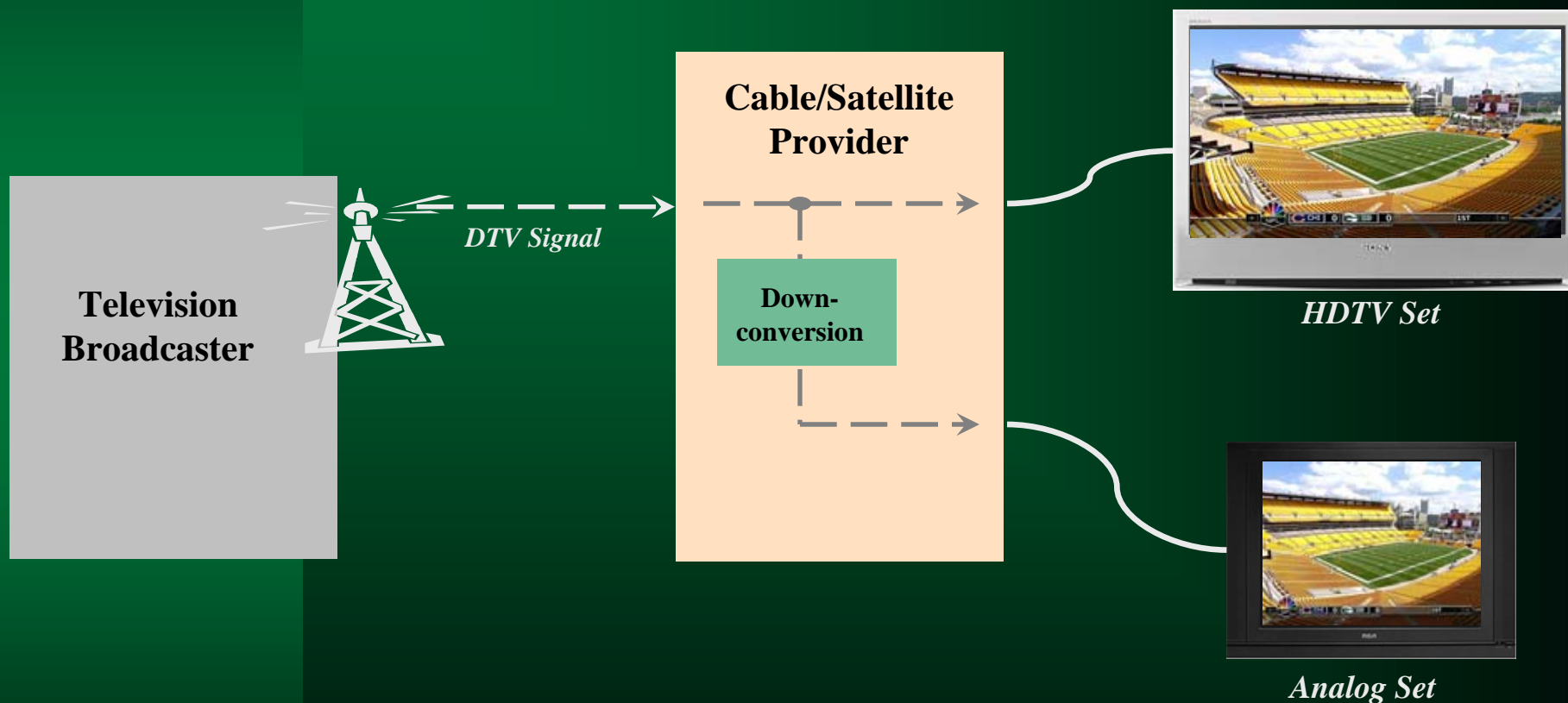


INDEPENDENT/CONTROLLED DELIVERY PATHS



# Broadcast Station Distribution

## Post – DTV Transition

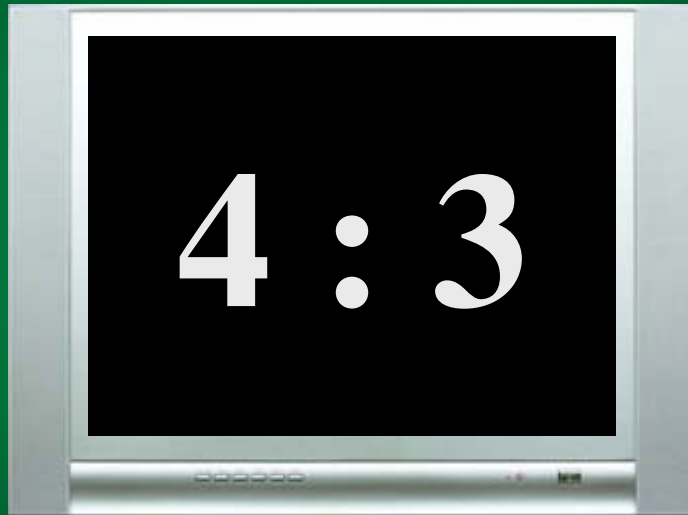


**ANALOG VERSION FORMATTED AT HEAD-END**





# Television Aspect Ratios



Traditional  
Square (Almost)



High Definition  
Rectangular



# Aspect Ratio Reformating

## SD Originated Programming



Original SD  
Program



HD Version  
“Pillarbox”



# Aspect Ratio Reformatting HD Originated Programming

Scenario #1 : Separate HD and SD Versions



HD Version



SD Version

NOT VIABLE AFTER FEBRUARY 17, 2009



# Aspect Ratio Reformating

## HD Originated Programming

Scenario #2 : “Center-Cut” Down-conversion



HD Version



SD Version



# Aspect Ratio Reformatting

## HD Originated Programming

Scenario #3 : “Letterbox” Down-conversion



HD Version



SD Version





# Programming Examples

## Unintended Effects of Letterbox

VIDEO CLIP EXAMPLES OF  
LETTERBOX ADVERSELY  
AFFECTING PICTURE



# Programming Examples

## Unintended Effects of Center-Cut

VIDEO CLIP EXAMPLES OF  
CENTER-CUT ADVERSELY  
AFFECTING PICTURE



# Program Reformatting

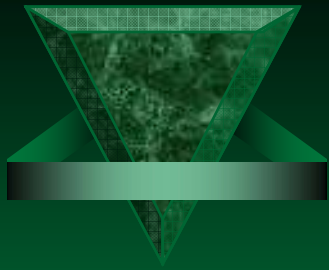
- ✓ No technical impediments to allowing broadcasters to select downconversion option
  - Available on all headend receiving equipment
  - Can be done on a channel by channel basis
- ✓ Satellite industry DTV conversion
  - Allows broadcasters to select downconversion option 1) centercut or 2) letterbox





# Program Reformatting

- ✔ Consumer Issue is significant
  - Most cable systems will retain an analog service for years
  - Cable subscribers with analog TV sets connected directly to the cable will be unable to readjust the picture
  - Subscribers using analog converter box will be unable to readjust the picture
  - Subscribers using an SD converter box may not be able to readjust the picture
- ✔ The OTA converter boxes allow consumers to make adjustments if they prefer a particular format.



# Program Reformatting

- ✓ Third Further Notice of Proposed Rulemaking
  - How should reformatting issues be treated
    - Not limited to must-carry situations
    - Form of material degradation and applicable to both retransmission and must-carry situations